

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRYCE VANDENHEUVEL,
JAKE VANDENHEUVEL, and JESSICA
VANDENHEUVEL, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DEBRA VANDENHEUVEL,

Respondent-Appellant,

and

MARK VANDENHEUVEL,

Respondent.

UNPUBLISHED
September 3, 2009

No. 290487
Oceana Circuit Court
Family Division
LC No. 08-006795-NA

Before: M. J. Kelly, P.J., and K. F. Kelly and Shapiro, JJ.

PER CURIAM.

Respondent Debra Vandenheuvel appeals as of right the trial court's order terminating her parental rights to her children, which the trial court entered with respondent's consent.¹ Because we conclude that there were no errors warranting relief, we affirm.

Petitioner took custody of respondent's children because the parents abused alcohol and drugs and engaged in domestic violence in the presence of the children. At the commencement of the termination hearing, respondent informed the trial court that she wished to consent to the termination of her parental rights. In response to inquiries from the trial court, respondent indicated that she understood that by consenting to the termination of her parental rights, she was surrendering her ability to make decisions for the children. Respondent stated that she had not

¹ Respondent Mark Vandenheuvel, the children's father, also consented to the termination of his parental rights. That decision is not at issue in this appeal.

been coerced into surrendering her parental rights or promised anything in exchange for her decision. Ultimately, the trial court accepted the voluntary termination with respect to all three children.

Generally, in order to terminate parental rights, the trial court must make findings of fact, state conclusions of law, and specify the statutory basis for the order. MCL 712A.19b(1); MCR 3.977(H)(1); *In re Trejo Minors*, 462 Mich 341, 355; 612 NW2d 407 (2000). However, if a respondent consents to the termination of his or her parental rights, the trial court need not state a statutory basis for the decision. *In re Toler*, 193 Mich App 474, 477; 484 NW2d 672 (1992).

The record does not support respondent's assertions that she was confused by the proceedings or that the trial court erred in its findings. Respondent stated that she was not under the influence of alcohol or drugs, stated that she had given the decision careful consideration and did not need counseling in order to finalize the decision, and indicated that she understood that if her parental rights were terminated, she no longer would have a say in decisions regarding the children. The trial court explained points to respondent when necessary, and respondent indicated that she understood the court's explanations. On this record, we conclude that the trial court did not err in terminating respondent's parental rights.

We note, however, that the trial court erroneously informed respondent that she had 21 days in which to appeal a termination decision, when in fact respondent had only 14 days to do so. MCR 7.204(A)(1)(c). Nevertheless, we conclude that the error was harmless because respondent obtained an appeal of right of the trial court's decision.

There were no errors warranting relief.

Affirmed.

/s/ Michael J. Kelly
/s/ Kirsten Frank Kelly
/s/ Douglas B. Shapiro